

HUDSON
35641-111901



ROANOKE CITY COUNCIL
REGULAR SESSION

November 19, 2001
2:00 P.M.

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

- 1. Call to Order--Roll Call.** (Council Member Wyatt arrived late.)

The Invocation was delivered by The Reverend Charles H. Ward, Associate Pastor, First Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, November 22, 2001, at 7:00 p.m., and Saturday, November 24, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE CITY COUNCIL AGENDA PACKAGE ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS THE AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT www.roanokegov.com, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541 TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

**Proclamation declaring the month of November as National Home Care Month.
File #3**

3.

CONSENT AGENDA

(APPROVED 6-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 A communication from the Honorable Ralph K. Smith, Mayor, requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request.

File #110-132

- C-2 A communication from James D. Grisso tendering his resignation as Director of Finance, effective February 1, 2002.

RECOMMENDED ACTION: Receive and file the communication and accept the resignation.

File #1-184

- C-3 A communication from J. Clayton Grogan tendering his resignation as a member of the Board of Zoning Appeals, effective immediately.

RECOMMENDED ACTION: Receive and file the communication and accept the resignation.

File #51-110

- C-4 A communication from the City Manager recommending that a public hearing be advertised for Monday, December 17, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with the proposed conveyance of City-owned property, identified as Official Tax No. 2760603, to Paul Honaker.

RECOMMENDED ACTION: Concur in request.

File #2-166

- C-5 A communication from the City Manager requesting that Council convene in Closed Meeting to discuss expansion of an existing business, where no previous announcement of the expansion has been made, pursuant to Section 2.2-3711(A)(5), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request.

File #132-207

- C-6 A communication from S. James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare, recommending concurrence in the reappointment of William L. Lee as an at-large member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term ending December 31, 2004.

RECOMMENDED ACTION: Concur in request.

File #314

- C-7 Qualification of the following persons:

Troy A. Harmon as Municipal Auditor for a term beginning October 18, 2001 and ending September 30, 2002;

S. Deborah Oyler as a Director of the Industrial Development Authority of the City of Roanoke for a term ending October 20, 2005;

William D. Poe as a member of the Board of Zoning Appeals to fill the unexpired term of Willard G. Light ending December 31, 2002;

Stuart G. Boblett, III, as a member of the Roanoke Civic Center Commission to fill the unexpired term of Edward L. Lambert ending September 30, 2003; and

Paula L. Prince as a member of the Roanoke Neighborhood Partnership Steering Committee for a term ending November 30, 2004.

RECOMMENDED ACTION: Receive and file.

File #15-51-110-192-207-280-488

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. A request of Total Action Against Poverty to address Council regarding the Western Virginia Education Classic which was held on September 1, 2001. Annette Lewis, Director, TAP This Valley Works, Spokesperson.

Received and filed.

File #226

(Council Member Wyatt arrived.)

- b. A communication from the Roanoke City School Board requesting appropriation of \$7,915.00 for the 2001-02 Western Virginia Regional Science Fair; and a report of the Director of Finance recommending that Council concur in the request.

Adopted Budget Ordinance No. 35641-111901. (7-0)

File #60-467

- c. A communication from Harwell M. Darby, Jr., Attorney, representing the Industrial Development Authority, requesting approval of a plan to assist the Catholic Diocese of Richmond in constructing, equipping and furnishing a multipurpose building at the Roanoke Catholic School, by issuance of industrial development revenue bonds by the City of Salem Industrial Development Authority, in an amount not to exceed \$5,000,000.00; and \$100,000,000.00 to assist Carilion Medical Center for bonds which will be allocated to Carilion Roanoke Memorial Hospital, Carilion Roanoke Community Hospital, Carilion Giles Memorial Hospital, Bedford Memorial Hospital and Carilion Franklin Memorial Hospital to include certain refinancings for outstanding bonds.

**Adopted Resolution Nos. 35642-111901 (7-0) and 35643-111901. (6-0, Council Member White abstained from voting.)
File #53-207-221-467**

- d. A communication from Vice-Mayor William H. Carder recommending the closing of certain City offices on Monday, December 24, 2001, and providing for additional holiday leave for all City employees.

**Adopted Resolution No. 35644-111901. (7-0)
File #184**

- e. A communication from Vice-Mayor William H. Carder proposing an amendment to the Roanoke City Charter in connection with the position of Director of Finance.

**The matter was referred to the Council's Financial Planning Session for further discussion.
File #1-50-132**

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. A communication with regard to service charges on certain tax exempt properties.

Adopted Resolution No. 35645-111901 and Ordinance No. 35646-111901. (7-0)
File #24-79

2. A communication recommending amendment to Section 14.1-16(b), Code of the City of Roanoke (1979), as amended, with regard to Solid Waste - Recycling.

Adopted Ordinance No. 35647-111901. (7-0)
File #24-144-282

3. A communication recommending authorization to acquire property rights for Airport Road Storm Drain Extension Project, in the amount of \$100,000.00; and transfer of funds in connection therewith.

Adopted Budget Ordinance No. 35648-111901 and Ordinance No. 35649-111901. (7-0)
File #2-9-27-28-60

4. A communication in connection with acceptance of property owned by the Roanoke Redevelopment and Housing Authority.

Adopted Ordinance No. 35650-111901. (7-0)
File #68-178

5. A communication recommending authorization for donation of transportation equipment items, with the exception of the No. 611 Class A Steam Locomotive, to the Virginia Museum of Transportation.

Adopted Ordinance No. 35651-111901. (7-0)
File #68-229-472

6. A communication recommending appropriation of funds in connection with acceptance of the Fiscal Year 2002 Fire Program Fund Grant from the Virginia Department of Fire Programs.

Adopted Budget Ordinance No. 35652-111901 and Resolution No. 35653-111901. (7-0)
File #60-70-236

7. A communication of the City Manager recommending an amendment to the Special Military Leave Pay.

Adopted Resolution No. 35654-111901. (7-0)
File #184

8. A communication with regard to Amendment No. 1 to the Parking Agreement between the City of Roanoke and Carilion Health System dated September 1, 1998.

Adopted Ordinance No. 35655-111901. (6-0, Council Member White abstained from voting.)
File #20-221

9. A communication recommending adoption of a resolution authorizing nomination of a portion of downtown and two properties on First Street, N. W. (Henry Street), for inclusion on the National Register of Historic Places.

Adopted Resolution No. 35656-111901. (7-0)
File #32-80-216

10. A communication with regard to a cooperative venture between the Roanoke Valley Society for the Prevention of Cruelty to Animals, the Counties of Botetourt and Roanoke, the Town of Vinton, and the City of Roanoke, in connection with housing and providing care for pound animals.

Adopted Resolution Nos. 35657-111901 and 35658-111901. (7-0)
File #54

11. A communication with regard to appropriation and transfer of funds in connection with the design process for Phase II, Civic Center Improvements.

**Adopted Budget Ordinance No. 35659-111901 and Resolution No. 35660-111901. (7-0)
File #53-60-192**

12. A communication recommending authorization to purchase property in the vicinity of Orange Avenue, described as Official Tax Nos. 2041817 and 2041816 for construction of a multipurpose stadium/amphitheater facility, in the amount of \$275,000.00; and appropriation of funds in connection therewith.

**Adopted Budget Ordinance No. 35661-111901, Resolution No. 35662-111901, and Ordinance No. 35663-111901. (7-0)
File #2-53-60-122-192**

13. A communication recommending execution of an agreement with the Grandin Theater Foundation, Inc., to provide total financial support of \$500,000.00 to the Foundation over a six-year period, upon certain terms and conditions.

**Adopted Budget Ordinance No. 35664-111901 and Ordinance No. 35665-111901. (6-1, Mayor Smith voted no.)
File #60-68-216-551**

7. REPORTS OF COMMITTEES:

- a. A report of the Roanoke Neighborhood Partnership Steering Committee with regard to the benefits of living in Roanoke's neighborhoods. Barbara N. Duerk, Chair.

Withdrawn.

- b. A report of the Legislative Committee transmitting the proposed 2002 Legislative Program. Council Member William White, Sr., Chair, Legislative Committee.

Adopted Resolution No. 35666-111901. (6-1, Mayor Smith voted no.) File #132-137

Interstate-73 was deleted from the Legislative Program.

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. Ordinance No. 35624, on second reading, establishing the annual salaries of the Mayor, Vice-Mayor and Council Members for the fiscal year beginning July 1, 2002.

**Adopted Ordinance No. 35624-111901. (6-1, Council Member Hudson voted no.)
File #132**

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Inasmuch as Social Security benefits will increase by 2.6% effective January 1, 2001, November 20, 2001 the question of a 2.6% cost of living increase for City retirees was referred to the City Manager and the Director of Finance for report and recommendation to Council during fiscal year 2002-03 budget study.

File #60-184-429

Council Member Hudson inquired about the status of the flu vaccine for City retirees. He also questioned the proposed locations for administering the vaccine; i. e.: use of the Roanoke Civic Center as a potential site.

File #184-192

Council Member Wyatt inquired about the status of a previous inquiry regarding prescription cards and/or contracting with local pharmacies to provide medications for City employees at a reduced cost.

File #58-60-184

Council Member Bestpitch referred to updates provided by the City Manager on the Fire/EMS Agreement with Roanoke County. He raised the following questions for response during fiscal year 2002-03 budget study:

- 1. Inasmuch as the typical assignment for a fire engine, ladder truck, etc. is four personnel, how often are there fewer than the full number of assigned personnel actually available to staff equipment?**
- 2. How often are paid staff, either part-time or full-time, used to man the volunteer rescue service, and how many are part-time staff receiving no benefits?**

File #70

Council Member Hudson expressed concern that the City's supply warehouse function has been discontinued which causes City employees to leave the job site to purchase supplies commercially.

File #132-184

- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.**

11. CITY MANAGER COMMENTS:

The City Manager advised that during the course of several agenda items, statements or allegations were made that the City Manager and staff may not be cooperating with other Council-Appointed Officers. She stated that during her tenure as City Manager, Council-Appointed Officers have worked cooperatively to approve agenda items relative to both financial and legal issues, and she has worked with the City Auditor to identify certain areas in need of improvement.

File #104

12. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Evelyn D. Bethel, 35 Patton Avenue, N. E., commended the City for reopening the underpass at the Roanoke Civic Center which relieves traffic congestion on Williamson Road and Orange Avenue.

File #20-192

Helen E. Davis, 35 Patton Avenue, N. E., expressed concern with regard to matters effecting the northwest section of the City of Roanoke, i. e.: rejection by the Housing Authority of requests by residents of Lincoln Terrace for screen doors on their homes, fire protection, and a proposal regarding the future of the Burrell Nursing Center. She requested that Council look at the entire City and not just the northwest section of Roanoke.

File #132

THE MEETING OF COUNCIL WAS DECLARED IN RECESS AT 5:50 P.M. TO BE RECONVENED AT 6:00 P.M., IN THE EMERGENCY OPERATIONS CENTER CONFERENCE ROOM, ROOM 159, NOEL C. TAYLOR MUNICIPAL BUILDING, FOR A BRIEFING WITH REGARD TO THE EXTENSION OF THE LINEAR RAILWALK; AND A FOLLOW-UP BRIEFING WITH REGARD TO THE ROANOKE CENTRAL BUSINESS DISTRICT PARKING STUDY.

**Both briefings were received and filed.
File #20-277-392-405-533**

FOLLOWING THE BRIEFINGS, THE COUNCIL MEETING WAS DECLARED IN RECESS TO BE RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***November 19, 2001
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

Call to Order -- Roll Call.

The Invocation was delivered by Council Member C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Tonight's meeting will be replayed on Channel 3 on Thursday, November 22, 2001, at 7:00 p.m., and Saturday, November 24, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Public hearing on the request of the Boys and Girls Clubs of Roanoke Valley, Inc., for designation of property identified as Official Tax Nos. 4240101 and 4240105, located at 1714 9th Street, S. E., to be exempted from taxation. Floyd A. Johnson, Executive Director, Spokesperson.

Adopted Resolution No. 35667-111901. (7-0)
File #79-304

2. Public hearing on the request of Unified Human Services Transportation System, Inc., for designation of property identified as Official Tax Nos. 1311221, 2410101, 2410301- 2410306, inclusive, to be exempted from taxation. Wilburn C. Dibling, Jr., Attorney.

Adopted Resolution No. 35668-111901. (6-1, Council Member Wyatt voted no.)
File #79

3. Public hearing on the request of AMVETS-Post #40, John Harvey Memorial, to rezone property located at 917 Tazewell Avenue, S. E., identified as Official Tax No. 4112106, from RM-2, Residential Multi-family, Medium Density District, to C-2, General Commercial District. Wilburn C. Dibling, Jr., Attorney.

Adopted Ordinance No. 35669-111901. (6-1, Council Member Bestpitch voted no.)
File #51

4. Public hearing on the request of A.Victor Thomas, Dorothy L. Thomas, Annie B. Dudley and TLC Properties, Inc., to rezone properties on Orange Avenue, N. E., identified as Official Tax Nos. 3210101, 3210105 - 3210119, inclusive, and an undeveloped portion of Light Street, N. E., from LM, Light Manufacturing District, to C-2, General Commercial District. W. F. Mason, Jr., Attorney.

Adopted Ordinance No. 35670-111901. (7-0)
File #51

5. Public hearing on the request of the City Planning Commission to rezone properties located on Vinyard Avenue, N. E., described as Official Tax Nos. 7040601 - 7040606, inclusive, from LM, Light Manufacturing District, to RS-3, Residential Single Family District. Christopher L. Chittum, City Planner, Department of Planning, Building, and Development, Spokesperson.

Adopted Ordinance No. 35671-111901. (7-0)
File #51

6. Public hearing with regard to a proposed amendment of Section 36.1-397, Zoning, Code of the City of Roanoke (1979), as amended, by adding a new subsection (11) manufacturing establishments as a permitted use in the INPUD, Institutional Planned Unit Development District. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 35672-111901. (7-0)
File #24-51

7. Public hearing with regard to conveyance of City-owned property, containing 0.858 acre, identified as Official Tax No. 4010205, to the Western Virginia Foundation for the Arts and Sciences for design, development and construction of a new building or complex to house the art museum and IMAX Theatre. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 35673-111901. (7-0)
File #32-166-427-538

8. Public hearing to request the General Assembly of Virginia to make amendments to the Roanoke Charter of 1952, as amended, in order to remove archaic language and outdated, outmoded and unnecessary provisions therein; to conform certain provisions in the Charter to current State enabling laws; to streamline the City's legislative process; to require that certain Council-appointed officers reside within the City; to provide for the appointment of a deputy and assistant city managers; to increase the threshold for bidding and contracts for public improvements from thirty to fifty thousand dollars; to increase the threshold for change orders that must be approved by City Council from twenty-five thousand

dollars to fifty thousand dollars or twenty-five per cent of the contract, whichever is greater; to increase the size of the City's Board of Zoning Appeals to seven members and delete the requirement that the Board authorize special exceptions to the City's zoning ordinance; and, in general, to make more efficient the operation of City government. William White, Sr., Chair, Legislative Committee.

Adopted Resolution No. 35674-111901. (6-1, Mayor Smith voted no.)

File #50-137

B. OTHER HEARING OF CITIZENS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Evelyn D. Bethel, 35 Patton Avenue, N. E., requested clarification with regard to how City Council meetings are conducted, i. e.: confusion over time limitations established for speakers, etc.

File #66-132

Robert D. Gravely, 617 Hanover Avenue, N. W., expressed concern with regard to inner city needs, advantages offered by the City to big business, safety of elderly citizens, excessive traffic and speeding on Orange Avenue, inadequate street lighting in certain areas of the City, certain practices of the Roanoke Redevelopment and Housing Authority, drug trafficking in the City of Roanoke, and inadequate wages for City workers.

File #66-132

The meeting was declared in recess for two Closed Sessions which were previously approved by Council.

CERTIFICATION OF CLOSED SESSION. (7-0)

THE MEETING OF COUNCIL WAS DECLARED IN RECESS UNTIL MONDAY, NOVEMBER 26, 2001, AT 9:00 A.M., AT THE VIRGINIA EXPLORE PARK, 3900 RUTROUGH ROAD (BLUE RIDGE PARKWAY), AT WHICH TIME COUNCIL WILL PARTICIPATE IN A JOINT RETREAT WITH THE ROANOKE CITY SCHOOL BOARD.